

MONTANA LEGISLATIVE HISTORY

Chapter 291 19 67

Bill H _____ S _____ Original bill & history C

H. Committee on Public Health Welfare

S. Committee on Public Health Welfare

Hearing Date(s) 1-31 _____ C

Hearing Date(s) 2-15 _____ C

2-2 _____ C

2-20 _____ C

2-7 _____ C

2-22 _____ C

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Date Out 2-7 _____ C

DATE OUT 2-22

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

The Law Library has no Subcommittee minutes
for either Chamber.

Public Health, Welfare & Safety COMMITTEE

40th Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
91 Eglinger, Haines	Sale of Beer for Off Premises Consumption	1/11	1/12 1/23		1/23	Do Not Pass	
100 -- Marbut, Haines	Employment Standards - Nurses	1/12	2 2		2 3	Do Pass	
136 -- Loman, Jensen	Permitting Sale of Tobacco, etc., to Minors under 18	1/16	1/23		1 23	Do Pass	
152 -- Crum, Murphy	Penalty to Issue or Procure False I.D. Documents	1/16	1/23		1/23	Do Pass	
219 - - Haines, Lee	Montana Nursing Practice Act	1/19	1/31 2/2 2/7		2/8	Do Pass, As Amended	
330 -- RVEG	Promote Safety at Railroad Crossings	1/20	1/31		2/1	Do Not Pass	
Senate Joint Res. No. 1 -- Flynn	Call Air Pollution Conference -- Garrison	1/20	2/21 2/23		2/24	Concurred In	

January 31, 1967

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE MINUTES

The Public Health, Welfare & Safety Committee met in Room 119 at 5:00 p.m., Tuesday, January 31, 1967. All members were present with the exception of Patrick and Hall, Chairman Crum presiding.

House Bill 439: Representative John L. Delano, sponsor of the bill, introduced Mr. Stuart Hall, appearing on behalf of the American Legion, who stated that his organization heartily approve the bill with the exception of some amendments which were presented to the committee (attached). Mr. Chet Shore, appearing for the Veterans of World War I, said that the veterans organizations went on record stating they wanted an honorarium for all service people, rather than just those that are in the Vietnam Theater.

House Joint Resolutions 26, 27 and 28, and House Bill 505: Mr. Andy Eggen-gerger, representing the American Legion, reported that the American Legion un-qualifiedly support all four of these bills. Mr. Shore said that there were some inequalities in the present law, and offered suggestions for changes which were also presented to the committee. Chairman Crum appointed Mr. White, Chairman; Mr. McCulloch; and Mr. Steele as a subcommittee to study HB 439, 505 and HJR 26, 27 and 28, and the proposed amendments, and to bring back a report to the full committee.

House Bill 330: Proponents -- Representative Sterling Rygg spoke on behalf of the bill and then introduced Mr. Kenneth D. Clark, ^{Railroad} of the Brotherhood of Montana, who said there were instances when locomotives did not have two men in the cab when operating over public crossings, and stressed the importance of passing a law requiring this as a safety feature. Mr. John F. Joy, employee of the Great Northern at Whitefish, spoke in favor of the bill. Mr. John Fay, switch-man in the Helena Northern Pacific yards, favors the bill because of the fact that children are careless at the crossings. Mr. Henry T. Popham, affiliated with the Brotherhood of Locomotive Engineers, rose in support of the bill. Opponents -- Mr. Ward Shanahan, representing the Montana Railroad Association, opposed the bill on the grounds there is no necessity for such a law since there are presently laws and regulations to cover safety at public crossings, and there are inconsistencies in the bill. Mr. Eugene C. Coan, Superintendent of the Butte Division of the Great Northern, headquartered at Great Falls, stated that adequate protection is already given, and cited the various measures taken to promote safety. Mr. Edwin S. Booth, Helena attorney for the Great Northern Railway Company, presented statistics of accidents in Montana, stating that whereas the total vehicular accidents in Montana in 1965 were approximately 6,000 more than in 1963, railway crossing accidents had only increased by 2 in the same period. He also cited the ambiguity in the bill. Mr. R. L. Brown, representing the Butte, Anaconda & Pacific Railway, also rose in opposition to the bill, saying that according to their records of accidents at crossings from 1955 to 1965, there were only 38 accidents, with only one death.

Time was allowed for rebuttal and questions from the committee members, and then witnesses were excused.

House Bill 219: Proponents -- Mrs. Mary D. Munger, Executive Director of the Montana Nurses Association; Miss Evelyn Brown, Chairman of the Montana Nurses Association's Committee on Legislation; Mrs. Deborah Hoy, President of the Montana State Licensed Practical Nurses Association; Miss Gertrude Malone, representing the Montana State Board of Nursing; and Mr. Bill Leary, Executive Secretary of the Montana Hospital Association: all spoke in favor of the bill, citing the benefits which they felt would result from the upgrading of standards in nursing care under HB 219. Opponent -- Mrs. Roberta A. Lee, Executive Secretary of the Montana Nursing Home Association, spoke in opposition to the bill (statement attached). Time was allowed for rebuttal and summaries, and questions from committee members. Witnesses were excused.

January 31, 1967

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE MINUTES

House Bill 518: Representative Russell L. Doty, Jr., principal sponsor, explained the bill section by section. He then introduced Mr. Howard Farley of the State Board of Health who reported on his study of ambulance services in Montana. Col. Alex B. Stephenson, supervisor of the Montana Highway Patrol, spoke on the need for improving ambulance service in the state. Mr. A. J. Rensmon, President of the Montana Ambulance Association, favored the bill as a means to upgrade ambulance service in all of the state of Montana. Mr. Henry J. Anders, representing the Montana State Council of Electrical Workers, stated he was in favor of the bill. Mr. Ray F. Reavley, of the Montana Safety Foundation, said he was very much in favor of the bill. Also introduced was Mr. Ray Sheldon, Secretary-Treasurer of the Montana Ambulance Association, who rose in support of the bill. Following questioning, the witnesses were excused.

HB 24: It was the concensus of the committee that action should be deferred until the amendments recommended by the subcommittee could be studied by the full committee.

HB 84: Chairman Crum read to the committee a letter from Dr. A. L. Vadheim, President of the Montana Medical Association, and Dr. Hugh V. Anderson, Chairman of the Legislative Committee of the M.M.A., requesting that HB 84 not be approved at this session so that the committees of the Association and its House of Delegates may have an opportunity to study the entire Act for an additional two-year period (letter attached). Mr. Fischer moved that House Bill 84 "Do Not Pass"; motion seconded and carried.

HB 219: Chairman Crum appointed Cox, Himsl and Lee to serve as a subcommittee to study this bill and bring back a report.

HB 330: Mr. Cox moved that HB 330 be reported out as "Do Not Pass"; motion was seconded and carried.

HB 492: Mr. Healy moved that HB 492 "Do Pass". The motion was seconded and passed.

HB 518: Mr. Delano moved that HB 518 be reported out of committee as "Do Pass". Motion was seconded and passed.

The meeting adjourned at 7:05 p.m.


FORREST H. CRUM, Chairman

February 2, 1967

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE MINUTES

The Public Health, Welfare & Safety Committee met in Room 119 at 4:40 p.m., Thursday, February 2, 1967. All committee members were present: Chairman Crum presided.

The first bill up for consideration was HB 100. Mr. Crum stated that testimony would be limited to six people on each side, with 45 minutes allowed for each side to present its arguments and rebuttal.

Proponents: Representative Marbut, principal sponsor of the bill introduced the proponents. Mrs. Florence Bradshaw, President of the Montana Nurses Association, was the first speaker (statement attached). Next was Mrs. Wilma Dollan, Executive Secretary of the Montana State Practical Nurses Association (remarks attached). The third proponent was Mrs. Myrna Johnson, a registered nurse working general duty, and representing the Montana Nurses Association (comments attached). Fourth proponent was Mrs. Pearl Robbins, a member of the Legislative Committee of the Montana Nurses Association (statement attached). Mr. Charles Huppe, attorney from Helena, stated that he was present at the request of the Montana Nurses Association primarily to answer questions regarding the bill and to give a little of the background on the legislation proposed.

Opponents: Mr. William Leary, Executive Secretary of the Montana Hospital Association, spoke against the measure (testimony attached), and then introduced the other opponents. The next witness was Mr. Ronald L. Furdum, President of the Montana Hospital Association, and administrator of the Kennedy Deaconess Hospital at Havre, who cited the progress that is being made in upgrading the nursing profession and nursing care, and called for continued voluntary cooperation between the Montana Hospital Association and Montana Nursing Association. The next opponent was Mrs. Mary Lou Hand, general duty nurse at St. Patrick's Hospital in Missoula, who spoke against the need for such legislation, and questioned the possibility of the State Board of Health being able to function as a neutral party when acting as a mediator in a dispute. Sister Catherine Lorraine, assistant administrator at St. Vincent's Hospital in Billings, and representing the Montana Hospital Association, enumerated her objections to the bill, among which was the intrusion of a third party into the realm of nursing care whose primary concern would not be the care of the patient. Mr. Al Libra, representing the Montana Employers Association, presented a written analysis of the bill (attached), and said that it was not a good bill and would not even accomplish what the proponents hoped it would do for them. Mr. Chad Smith appeared as attorney for the Montana Hospital Association, pointing out that only two other states had this type legislation.

Mrs. Mary Munger, Executive Director of the Montana Nurses Association, gave the rebuttal for the proponents. Mr. Huppe presented the counter-rebuttal. Following questioning, all witnesses were excused.

Mr. Hall moved that House Bill 100 "Do Pass". The vote was 9 to 6 in favor of the motion.

Mr. McCulloch reported on House Joint Resolution No. 26 and No. 27. He moved that HJR 27 "Do Not Pass"; the motion was seconded and was carried. He then moved that HJR 26 "Do Pass"; motion was seconded and carried.

In regard to HB 219, Mr. Cox moved that this bill be held for further study; motion was seconded and passed.

Mr. Hall moved that the committee reconsider its action on HJR 27 in order to allow the principal sponsor to testify before the committee. This motion was seconded and passed.

The meeting adjourned at 6:50 p.m.


FORREST H. CRUM, Chairman

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February 7, 1967

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE MINUTES

HJR 28, HB 439 and HB 505: Mr. Stuart M. Hall, of the American Legion, explained the proposed amendments to HB 439, and Mr. Shore spoke on behalf of HB 439 and 505. Witnesses were excused. Mr. White moved that HJR 28 "Do Pass". Motion seconded and carried. Mr. McCulloch moved that HB 439 "Do Not Pass"; motion seconded and passed. Mr. White moved that HB 505 "Do Pass, As Amended"; motion seconded and passed.

HB 233: The subcommittee on HB 233 reported back to the full committee, recommending that the bill be amended. Mr. Hall moved that HB 233 be amended, and then be reported out as "Do Pass, As Amended". Motion was seconded and carried.

HB 412: Mr. W. H. Bolkovatz, Helena attorney, representing the Montana Massage Association, spoke on behalf of the bill and offered a suggested amendment for Section 2, subsection (b); by striking out the words "either" and the words "or with appropriate apparatus" and also the words "heat lamps". Representative Elmer Schye appeared in support of the bill, and said that no particular fund was involved, and that if these people wanted to pay for the licensing and regulation of this occupation, he didn't see why they shouldn't be allowed to do so. Mr. Tom Reynolds, Billings, president of the Montana Chapter of the American Massage Association, gave a little of the background of the association and the approved schools involved, and urged passage of the act which would protect the public from a sanitation standpoint, and which would upgrade the occupation by eliminating those people who are not qualified. Dr. John W. McMahan, Helena physician, representing the Montana Medical Association, and the Lewis & Clark Medical Association, opposed the bill in the public health interest, and objected to the bill as giving professional status to the occupation whereas their schools have no medical supervision and the proposed standards are not subject to any recognized medical standards. Mr. Bolkovatz gave the rebuttal. Witnesses were excused.

Senate Bill 70: Senator Robert J. Rasmussen, principal sponsor for the bill, spoke for the bill, and introduced Dr. Lloyd Bowman, president of the State Board of Chiropractic Examiners of the State of Montana, who explained the purpose of the bill. Witnesses were excused. Mr. Cox moved that Senate Bill 70 "Do Pass"; motion seconded and passed.

Mr. Hall moved that House Bill 412 "Do Pass"; motion seconded and passed.

Mr. Hall moved that House Bill 24 "Do Pass"; motion seconded and passed.

House Bill 219: Section 7, line 15, page 8 of the original bill was amended as suggested by Mr. Hall by inserting after the word "compensation", the following: "when done in a private home, or". Mr. Hall then moved that House Bill 219 "As Amended, Do Pass"; motion was seconded and carried.

House Bill 450: Proponents -- Mr. Tom Clavin, President of Alpha Industries, Inc., stated that the bill would aid in building industry within the state with increased benefit to the state in the way of revenue. Representative Elmer Schye also spoke for the bill. Opponents -- Mr. William Scribner, attorney for the Montana Liquor Control Board, opposed the bill as a first step toward further granting of case lot discounts, and which would result in a loss of revenue to the state, and that the discount system would encourage dishonesty in the retail stores.

House Bill 487: Mr. William Scribner stated that the Montana Liquor Control Board is opposed to this bill since the state would suffer a considerable loss of revenue if it were passed. Witnesses were excused.

- ☒ DO PASS As Amended
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

February 8, 1967

MR. ~~FEINSTEIN~~ SPEAKERS

We, your committee on Public Health, Welfare & Safety

having had under consideration House Bill Bill No. 219

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE MONTANA NURSING PRACTICE ACT; AMENDING SECTIONS 66-1221, 66-1222, 66-1223, 66-1231, 66-1232, 66-1233, 66-1242 and 66-1243, ALL REVISED CODES OF MONTANA, 1947, PROVIDING DEFINITIONS OF THE PRACTICE OF PROFESSIONAL NURSING AND THE PRACTICE OF PRACTICAL NURSING; PROVIDING A REDUCED PERIOD OF PRACTICE PENDING LICENSURE FOR REGISTERED AND PRACTICAL NURSES; PROVIDING QUALIFICATIONS FOR APPLICATIONS FOR CERTIFICATION OF PRACTICAL NURSES; PROVIDING FOR LIMITED WAIVER FOR PRACTICAL NURSING CERTIFICATION AND PROVIDING PENALTY FOR PRACTICING PRACTICAL NURSING WITHOUT A LICENSE; REPEALING CONFLICTING ACTS."

Respectfully report as follows: That House Bill No. 219
 be amended as follows:

Section 7, line 15, page 8 of the original bill -- after the word and punctuation "compensation," insert the following words and punctuation: "done in private home, or".

And, as amended,

SS-4448-

FORREST E. GINN

HOUSE BILLS AND RESOLUTIONS

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CON- CURRED IN	BE NOT CON- CURRED IN	BE ADJ
HB 13	1/27/67	1/30/67				X		
H.S.H.B 22	2/1/67	2/3/67				X		
79	2/6/67	2/6/67				X		
HJR 7	2/6/67	2/8/67						
4	2/8/67	2/10/67					X	
260	2/17/67	2/17/67				X		
262	2/17/67	2/17/67				X		
492	2/17/67	2/17/67				X		
100	2/15/67	2/20/67				As amended X		
219	2/15/67	2/22/67				As amended X		
8	2/22/67	2/22/67				As amended X		
233	2/20/67	2/22/67					X	
412	2/20/67	2/20/67				X		
492	2/17/67	2/17/67				X		

MINUTES
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
STATE SENATE

February 15, 1967

The meeting of the Public Health, Welfare and Safety Committee was held in room 440, Wednesday, February 15, 1967, on adjournment. The meeting was called to order by the Chairman and the secretary read roll call. A quorum was present.

HOUSE BILL 219 which provides for the definition of professional nursing and the practice of nursing, provides that a person should be licensed to practice nursing, and qualifications for applications for certification of practical nurse. Also provides a penalty for nurses practicing without a license. An amendment for the bill was presented by Mrs. Mary Mungar, who was one of the chief proponents for the bill. Other proponents were

Mrs. Wilma Dollan, Executive Secretary of the Montana State Practical Nursing Association, who gave the qualifications for a person to become a registered nurse. They would be given an examination, must be 25 yrs. of age, a good moral character, four yrs. of high school and must be of good health.

OPPONENTS

Roberta Lee, Executive Secretary for Montana Nursing Home. Said that the definition of Practical Nursing is being distorted. Mrs. Bompert was also an opponent.

The statements of the proponents and opponents are attached.

HOUSE BILL 100 was then taken up. This bill provides legal protection to registered nurses and practical licensed nurses who want a representative out side of the employment situation to assist them in bargaining collectively with employees. Proponents for the bill were

Mrs. Mary Mungar who gave the purpose on the bill and introduced other proponents. Mrs. Bradshaw who said that in 1965-66 there was 283 Nurses graduating and only 12 remained to practice in this state. Mrs. Merna Johnson, a nurse from Great Falls, Montana, wants better working conditions and better pay. Also said that not only is she doing her work as a nurse, but also is doing secretary work. Mrs. Pearl Robins, Assistant director of Montana Nursing Association, Mr. Charles Huppe, who is the legal Council for Nurses from time to time. Stated that all this law does is establish a standard for recognition and compels bargaining in good faith. The proponents and opponents statements are attached.

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HOUSE BILL 219
Statement given before Committee
Roberta A. Lee

Section 2 (2) Page 6

The definition of a Licensed Practical Nurse is being distorted. The new definition is inferior and downgrading to those women who came under the first waiver and who worked so hard to establish schools, and to those women who have attended schools of Practical Nursing. The last sentence of this paragraph, which is to be deleted, will harm those small nursing homes, licensed by the State Board of Health, where an LPN may be in charge without a Registered Nurse, but is under the direct supervision of the Doctor. There are several of these homes in the state, and they are desperately needed in their locality. They are in areas where it is next to impossible to find a Registered Nurse. I also understand there are hospitals that find themselves in a like situation. The LPN is not trying to take the place of the RN. However, just at the RN has taken over many of the services which were formerly done only by the physician, so likewise, the Graduate of a school of Practical Nursing is being trained to do certain specific duties in order to relieve the RN for the more critical needs of the patient. Although there may be more of both RN'S and LPN'S at this time than when the original bill was written, the patient load has increased at a more rapid rate and the LPN is needed in the team situation now more than ever before.

(Wherever the term (hospital or public health agency) is used, I suggest you change it to the term used in Section 6 (5) (b) Health Care facility.

Section 6 The Waiver

I question the need of a waiver in amending the bill, unless it is the intent of the bill to make it illegal to use aides or orderlies in either type of health facility.

(4) page 5 would clearly indicate that the foregoing is the intent of this bill, since any act such as giving a back rub, taking a temperature, giving a bath, bed pan or even assisting a patient to eat would be considered within the province of nursing, as defined in Section 2 (2) and at the present time most of these acts are being done by aides and orderlies through out the state, in hospitals, nursing homes, homes for the aged and Doctors offices.

Mrs. Munger in a statement to the Montana Health Magazine, December 1965, stated we would always need aides and orderlies. What are their duties to be? They too, are assisting in the nursing care of the ill and infirm. If the above is not the intent of the bill I suggest that aides and orderlies be included under the exemptions in the bill.

If you intend to continue with this waiver, I suggest you rewrite the Statement of Purpose and I quote "In order to safeguard life and health..." since certainly it is more necessary now that a Practical Nurse be a graduate of a school than it was at the time the original bill was written. This purpose was an ideal based

upon the proposed establishment of schools. It is now a reality with several schools in operation.

Certainly you can not believe that an aide today, can be an LPN tomorrow, simply by meeting the requirements and taking an examination, (which I have no doubt they could pass, since they are not based upon the training given in the schools,) without prior specific training.

The following are brief questions and answers.

House Hearing - Jan 31, 1966

Question by Representative.

Mrs. Munger how many nurses do you represent?

Answer:

The Montana Nurses Association represents 950 nurses.

Question:

That isn't what I want to know. How many nurses are working in the state and how many do you represent?

Answer:

there are 2400 active duty nurses in the state. But since we are the only organization representing nurses we speak for all of them.

Question:

What is a practical nurse? How are they different from aides?

Answer:

They receive a higher salary but are basically doing the same work.

Question:

Mrs. Lee doesn't seem to like that definition. I would like her opinion on the question.

Answer; (Mrs Lee)

Neither you nor Mrs. Munger are going to tell me that I can't pay one nurse aide a higher salary than another. They are paid on the basis of loyalty, length of service, and many other factors, but they are still Nurse aides. I have checked with other homes as well as with hospitals and this is true with them also.

Question to Mrs. Munger:

The waiver is being put in because it may cause some people to lose their means of livelihood. Could you give us an estimate of the number of people who would be affected?

Answer:

There is a potential of 1800 women who could come in under the waiver or be affected by the bill.

Question to Mrs. Lee:

What do have to say about this:

Answer:

Gentlemen, in my opinion, if not more than half of them pass the requirements and examination, I feel that this is by far too many unskilled and untrained people to trust your health to. Can you really say that you believe these women would be able to do the same service for you on your family if you were ill, as those women who give up a year of time and money to learn to be a Licensed Practical Nurse? It's your health and the health of the people of the state that you are dealing with and I believe that in this age when education has become such an important part of the future of the country, you have no right to jeopardize that health with less education than we have had for the past 15 years. Rather it should be increased.

It is a requirement under Medicine that an LPN must be a graduate of a school.

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MONTANA STATE PRACTICAL NURSES ASSOCIATION

February 10th 1967

I am Mrs. Wilma Dollan L.P.N. Executive Secretary of the Montana State Practical Nurses Association.

Our Association is affiliated with The National Federation Of Licensed Practical Nurses Association Inc. , and recognized as the voice of the Licensed Practical Nurse.

By unanimous vote of the House of Delegates at our last annual state convention, it was decided that in order to safeguard life and health the time has come, that all who practice nursing for compensation within the state of Montana should be licensed.

This is not the case at present, under the Nurses Practice Act. At present the Nursing Practice Act is mandatory for Professional Nursing. This means that everyone who works as a professional nurse in Montana for compensation needs to have a licence (R.N.) However anyone can do practical nursing as long as they do not use the title L.P.N. In other words the only protection is the title. Therefore the change is needed to make it mandatory, that all nurse for compensation as practical nurses , be required to have a license.

Realizing that many individuals are currently working as practical nurses or nurses aides within the state a (Grandfather) Waiver clause is included in the Bill, in order not to legislate such individuals out of work. If eligible under this clause these individuals can be endorsed to the Montana State Board of Nursing and can take a state examination to become licensed. The waiver period would extend from July 1st 1967 to April 1st, 1970. The standards of the waiver are set high. Such as,

1. Must have successfully completed at least an approved (4) years high school, course of study or the equivalent there of as determined by the State Department of Public Instruction.
2. Must be at least twenty five years(25) of age.
3. Must be of good moral character.
4. Must be of good health.
5. Must have lived in and cared for the sick as a full time employee of a recognized health care facility in the state, for two out of the three years immediately prior to July 1, 1967.
6. The application must be indorsed by written statements verified by oath.

If the bill is enacted into law there will still be a great need for the services of nurses aides to assist R.N.'s and L.P.N.'s.

At present there are seven (7) approved schools of practical nursing within the state of Montana. In 1966 30 practical nurses were graduated from these schools.

There is an ever increasing demand for more Licensed Practical Nurses . It has become discouraging to many Licensed Practical Nurses , that under the present permissive law, many unlicensed individuals perform nursing procedures, that should only be performed by a Licensed Nurse. More protection is needed than just the title of the Licensed Practical Nurse.

We need a complete mandatory law for all who hire for nursing, in order to safeguard the health and life of these people of Montana.

MINUTES
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
STATE SENATE

February 20, 1967

The meeting of the Public Health, Welfare and Safety Committee was held in room 440, Monday, February 20, 1967, on adjournment. The meeting was called to order by the Chairman and the secretary called the roll. All were present.

HOUSE BILL 100 was the first bill presented to the committee. This deals with nurses and requiring a practicing nurse to be licensed. Senator Shugrue moved that House Bill 100 be concurred in being seconded by Senator Cotton. Senator Hilling then made a substitute motion that House Bill 100 be not concurred in. A roll call vote was then taken with a minority and majority vote. The bill was concurred in with a 6-5 vote.

HOUSE BILL 219 was then considered by the committee. Senator Judge made a motion to amend House Bill 219 by striking the words "when done in a private home or". The motion was then Seconded by Senator Shugrue. After a period of discussion on the bill, Senator Judge and Senator Shugrue withdrew their motion. The bill was then placed into a subcommittee for more consideration. Those picked for the subcommittee were Senator Rasmussen, Senator Bennett and Senator Judge.

HOUSE BILL 233 was then brought before the committee for their consideration. This bill provides for licensing of blood banks by the State Board of Health; provides for definitions and standards of care and supervision; provides for penalties and hearings and an effective date. Mr. Raymond E. Graham, Great Falls, Montana, was the only proponent for the bill. Stated that the commercial or private blood banks across the country have grown. His statements are attached. Also said that Mr. Schall could not attend this meeting but wanted to be put down as a proponent. Mr. James W. Murray, whose letter is attached also wants to be put down as a proponent. House Representative Willits came in behalf of this bill. He is the chief sponsor of the bill. He stated that he was very much in favor of this bill.

OPPONENTS

Senator was the first speaker. He stated that this was a non-

MINUTES
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
STATE SENATE

February 22, 1967

The meeting of the Public Health, Welfare and Safety Committee was held in room 440, Wednesday, February 22, 1967, on adjournment. The meeting was called to order by the chairman and roll call was taken. A quorum was present.

HOUSE BILL 412 was the first bill that the Committee considered. Mr. Walter Bolkovatz, a practicing attorney and registered lobbyist was the first proponent for the bill. Stated that this was an act providing for the registration and licensing of a masseur and masseuse. Provides for examination and licensing. Purpose is that a masseur and masseuse should be regulated and licensed for the protection of the interest, health and welfare of the people of Montana; that it is necessary to authorize and provide authority to a state board of properly protect the patron public against improper unauthorized and unqualified masseurs and masseuse and to provide standards of sanitation and practice.

House Representatives Forrest Crum and John Healy, sponsors of the bill were very much in favor of the bill. Stated that this will not cost the state of Montana anything as they have their own fund. Other proponents for the bill who did not comment of the bill were Mr. and Mrs. Saunders, Klint Carrington, and Florence Dutton.

The bill was then acted upon. An amendment was brought up by Senator Hibbard dealing with the disposition of a special fund. He motioned that the Bill be taken to the Legislative Council for amendment. The bill was then moved to be concurred as amended. Motion made by Senator Hilling and seconded by Senator Hibbard.

HOUSE BILL 219 which at the previous committee meeting had been placed into a sub committee was now considered. Senator Rasmussen gave the amendment that was drawn up by the subcommittee. He took the bill over to Judiciary and there was no objection. He then moved that the amendments be concurred in and the motion was seconded by Senator Swanz. The bill was then moved to be concurred in as amended. Motion was made by Senator Rasmussen and seconded by Senator Deschamps.

HOUSE BILL 8 was then given to the committee for their consideration. Senator Flynn read the amendments to this bill. This bill deals with the air pollution in Montana. The amendments were then motioned to be concurred in by Senator Deschamps and Senator Rasmussen. A roll call vote was taken on the amendments. The only two Senators that were no are Senator Swanz and Senator Hibbard.

Repealing clause. Section 6. That section 84-6009, Revised Codes of Montana, 1947, is repealed.

Effective immediately. Section 7. This act is effective on its passage and approval.

Approved: March 2, 1967.

CHAPTER 291

An Act Relating to the Montana Nursing Practice Act; Amending Sections 66-1221, 66-1222, 66-1228, 66-1231, 66-1232, 66-1233, 66-1242 and 66-1243, All Revised Codes of Montana, 1947, Providing Definitions of the Practice of Professional Nursing and the Practice of Practical Nursing; Providing a Reduced Period of Practice Pending Licensure for Registered and Practical Nurses; Providing Qualifications for Applications for Certification of Practical Nurses; Providing for Limited Waiver for Practical Nursing Certificates and Providing Penalty for Practicing Practical Nursing Without a License; Repealing Conflicting Acts.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That section 66-1221, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Purpose. "66-1221. **Purpose.** In order to safeguard life and health (a) any person practicing or offering to practice professional nursing in this state for compensation or personal gain, shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided; and

In order to safeguard life and health (b) any person practicing or offering to practice practical nursing in this state for compensation or personal gain shall be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided.

After January 1, 1954, it shall be unlawful for any person to use any title, abbreviation, sign, card, or device to indicate that such person is (a) a registered, professional nurse (b) a licensed practical nurse unless such person

has been duly licensed under the provisions of this act, and the license of such person shall be valid and in force in compliance with the provisions of this act."

Section 2. That section 66-1222, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"66-1222. **Citation of act—definition of board—identification of board when administering act for professional nursing and for practical nursing—definition of terms.** This act may be cited as the Montana Nursing Practice Act.

Citation of act.

The use of the feminine gender shall include the masculine gender and vice versa.

As used in this act the term or word 'board' means the Montana state board of nursing created by this act, with dual functions (a) in the field of professional nursing and (b) in the field of practical nursing, and irrespective of the number of members of the board when functioning in either of said fields. In all matters relating to 'professional nursing' the board shall consist of five (5) members to be qualified and appointed as hereinafter provided. In all matters relating to 'practical nursing' the board shall consist of eight (8) members, five (5) of whom shall be identical with the five (5) member board, and the remaining three (3) members to be qualified and appointed as hereinafter provided. The board of five (5) members may for convenience be referred to as the Montana state board of nursing followed by the words 'professional nursing administration,' and the board of eight (8) members may, for convenience, be referred to as the Montana state board of nursing, followed by the words 'practical nursing administration.'

Board of nursing.

The practice of nursing embraces two classes of nursing service and activity, defined, respectively, as follows:

(1) *The practice of professional nursing means the performance for compensation of any act in the observation, care and counsel of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments as prescribed by a person licensed in this state to prescribe such medications and treatments; requiring substantial specialized*

Practice of professional nursing.

judgment and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures.

Practice of
practical nursing.

(2) *The practice of practical nursing means the performance for compensation in the care of the ill, injured or infirm, of acts selected by and performed under the direction of an R.N., or a person licensed in this state to prescribe such medications and treatments; and not requiring the substantial specialized skill, judgment and knowledge required in professional nursing."*

Amending clause.

Section 3. That section 66-1228, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Licensing.

"66-1228. License—by examination—by endorsement without examination—license fees.

By examination.

(1) **By examination.** The applicant for license to practice professional nursing shall be required to pass a written examination in such subjects as the board, acting under the professional nursing administration, may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered professional nurse. The applicant shall pay a fee of twenty-five dollars (\$25) at the time the application is submitted, which fee shall be returned to the applicant, if the application is withdrawn not later than five (5) days prior to the date of examination, or, if the examination is not taken, subject to deduction by the board of one dollar (\$1) per subject of the examination which shall be retained by the board.

By endorsement.

(2) **By endorsement without examination.**

(a) The board, acting under the professional nursing administration, may issue a license to practice nursing as a registered professional nurse without examination, to an applicant who has been duly licensed as a registered professional nurse under the laws of another state, territory or country, if in the opinion of the board the applicant meets the qualifications required of registered nurses in this state at the time the applicant graduated

from a school of nursing. The applicant shall pay a fee of twenty-five dollars (\$25) at the time the application is submitted, which fee shall be returned to the applicant if the application is withdrawn not later than five (5) days prior to final submission of the application to the board, subject to deduction of five dollars (\$5), to be retained by the board.

(b) An applicant may, pending application for a professional nursing license pursuant to paragraph (a) immediately preceding practical professional nursing as an employee of a physician in her capacity as professional nurse or in a hospital or public health agency for a period not longer than *three (3)* months from the date the board acknowledges receiving from such nurse a duly completed statement, on a form provided by the board, of intention so to practice. Such statement shall consist of (1) an affidavit by such nurse and (2) an affidavit by the physician employer or by the administrator, assistant administrator, or director of nursing of a hospital or public health agency where such nurse intends to practice professional nursing. The affidavit of such nurse and the affidavit of such physician employer or administrator, assistant administrator or director of nursing of such hospital or public health agency shall contain the information deemed by the board to be necessary for such statement. This paragraph shall not be construed to permit such nurse to practice for more than said *three (3)* months period, or, in any event, after being notified by the board that application for a license has been denied, or, in all cases, after being notified by the board to cease and desist such practice; notice in all cases shall be given by registered *or certified* mail to the address of applicant as the same appears in the statement of applicant."

Section 4. That section 66-1231, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"66-1231. **Qualifications of applicants for licensed practical nurse.** An applicant for a license to practice as a licensed practical nurse shall submit to the board acting under the practical nursing administration written evidence, verified by oath, that the applicant:

Qualifications of
applicants for
licensed practical
nurse.

(1) *Has successfully completed at least an approved four (4) year high school course of study, or the equivalent thereof as determined by the state department of public instruction;*

(2) *Has successfully completed the prescribed curriculum in an approved school of practical nursing and holds a diploma or certificate therefrom;*

(3) *Shall meet such other qualification requirements as the board, acting under the practical nursing administration, may prescribe."*

Amending clause.

Section 5. That section 66-1232, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Licensing of
practical nurses—
by examination
—by endorsement.

"66-1232. **License of practical nurse by examination—by endorsement without examination.**

(1) **By examination.** The applicant for license to practice as a practical nurse shall be required to pass a written examination in such subjects as the board, acting under the practical nursing administration, may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the Montana state board of nursing—practical nursing administration, shall issue to the applicant a license to practice as a licensed practical nurse.

(2) **By endorsement—without examination.**

(a) The Montana state board of nursing—practical nursing administration, may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or person entitled to perform like services under a different title under the laws of another state, territory or country, if in the opinion of the practical nursing administration the applicant meets the requirements for practical nurses in this state.

(b) *An applicant may, pending application for a practical nursing license pursuant to paragraph (a) immediately preceding, practice practical nursing as an employee of a physician in her capacity as practical nurse or in a hospital or public health agency for a period of not longer than three (3) months from the date the board*

acknowledges receiving from such practical nurse a duly completed statement, on a form provided by the board, of intention so to practice. Such statement shall consist of (1) an affidavit by such practical nurse and (2) an affidavit by the physician employer or by the administrator, assistant administrator, or director of nursing of a hospital or public health agency where such practical nurse intends to practice practical nursing. The affidavit of such nurse and the affidavit of such physician employer or administrator, assistant administrator or director of nursing of such hospital or public health agency shall contain the information deemed by the board to be necessary for such statement.

This paragraph shall not be construed to permit such nurse to practice for more than said three (3) months period, or, in any event, after being notified by the board that application for a license has been denied, or, in all cases, after being notified by the board to cease and desist such practice; notice in all cases shall be given by registered or certified mail to the address of applicant as the same appears in the statement of application."

Section 6. That section 66-1233, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"66-1233. **Waiver of certain requirements for licensing practical nurses before July 1, 1970.** All applications for license under this waiver section of the within act must be made and delivered to the board before April 1, 1970. The board will issue licenses thereon in conformity with this section no later than July 1, 1970.

Waiver of
requirements.

The Montana state board of nursing, practical nursing administration, may issue a license to practice as a licensed practical nurse to any person who shall submit written evidence, verified by oath, that said applicant:

- (1) Is at least *twenty-five (25)* years of age;
- (2) Is of good moral character;
- (3) Is in good health;

(4) *Has successfully completed at least an approved four (4) year high school course of study, or the equivalent thereof as determined by the state department of public instruction;*

(5) Has lived in and *has been caring* for the sick as a full time employee of a recognized health care facility in the state for two (2) out of the three (3) years immediately prior to July 1, 1967. The application must be endorsed by written statements verified by oath of

(a) two professional nurses licensed in Montana, or

(b) a doctor of medicine licensed in Montana and the registered professional nurse director of nursing in the health care facility where employed, which endorers must have personal knowledge of the applicant's qualifications.

The applicant shall be required to pass a written examination in such subjects as the board—practical nursing administration, may determine. Each examination may be supplemented by an oral or practical examination.

(6) *The presentation of a valid license issued by the Montana state board of nursing, practical nursing administration shall be prima facie evidence that the applicant meets the qualifications of this act for licensure.*

Amending clause.

Section 7. That section 66-1242, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Exemption of persons from act—when and under what circumstances.

“66-1242. **Exemption of persons from act—when and under what circumstances.** No provisions of this law shall be construed as prohibiting gratuitous nursing by friends or members of the family, or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers; as as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in approved schools of nursing or approved courses; nor by the graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in this state by any legally qualified nurse of another state whose engagement requires her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six (6) months in length, provided such person does not represent or hold herself to be a nurse licensed to practice in this state; nor shall it be construed as prohibiting the

practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of her official duties.

Nothing in this act shall be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any well-established religion or denomination by adherents thereof.

This act shall not be construed as conferring any authority to practice

(a) medicine, or

(b) surgery, or

(c) any combination thereof, or

(d) to confer any authority to practice any of the healing arts prescribed by law to be practiced in the state of Montana, nor

(e) to permit any person to undertake the treatment of disease by any of the methods employed in such arts, unless the licensee shall have qualified under the applicable law or laws licensing the practice of such profession(s) or healing art(s) in the state of Montana.”

Section 8. That section 66-1243, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“66-1243. **Violation of act—penalties.** It shall be a misdemeanor for any person, including any corporation, association or individual to:

Violation and penalties.

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein;

(2) Practice nursing as defined by this act under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice professional nursing as defined by this act unless duly licensed to do so under the provisions of this act;

(4) *Practice practical nursing as defined by this act unless duly licensed to do so under the provisions of this act;*

(5) Use in connection with her name any designation tending to imply that she is a registered professional nurse or a licensed practical nurse unless duly licensed so to practice under provisions of this act;

(6) Practice nursing during the time her license issued under the provisions of this act shall be suspended, revoked or on inactive status;

(7) Conduct a school of nursing or a course unless the school or course has been approved by the board;

(8) Otherwise violate any provisions of this act.

Such misdemeanor shall be punishable by a fine of not less than one hundred dollars (\$100) for the first offense. Each subsequent offense shall be punishable by a fine of three hundred dollars (\$300), or by imprisonment of not more than six (6) months in the county jail, or by both such fine and imprisonment.

The several district courts within their respective county jurisdictions are hereby empowered to hear, try and determine such misdemeanor and to impose in full the punishment and fines herein prescribed. It shall be necessary to prove, in any prosecution for misdemeanor under this section, only a single act prohibited by law, or a single holding out, or an attempt, without proving a general course of conduct in order to constitute a violation."

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: March 2, 1967.

CHAPTER 292

An Act Amending Sections 32-3201 and 32-3309, as Amended by Sections 6-101 and 6-209 of Chapter 197 of the Laws of 1965, Regarding the Payment of Fees of Motor Trucks and Vehicles, and Providing that the Montana Highway Patrol, Highway Commission Employees, While on Duty at the Weigh Stations, County Sheriff or City Police Retain Such Vehicle at Site of Violation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 32-3201, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"32-3201. **Time for payment of fees.** A person who owns or operates a vehicle subject to the fees provided in chapter 197, sections 6-201, 6-202, 6-203, 6-204, 6-205, 6-206, 6-207, 6-208, and 6-210 and acts amendatory thereto shall pay the fees provided in this chapter.

Time for payment of fees.

Prior to or at the time of registration of such vehicle as required under title 53, Revised Codes of Montana, 1947, and acts amendatory thereto, or prior to the operation of such vehicle on the public highways, fees paid shall be the full amount provided in this chapter unless otherwise provided by law.

A person who makes application for license after the first day of July of any year shall pay one-half (1/2) of those fees."

Pro rata fees.

Section 2. Section 32-3309, Revised Codes of Montana, 1947, is hereby amended to read as follows:

Amending clause.

"32-3309. **Failure to pay additional fees—penalty.** No vehicle licensed under the provisions of section 6-208 [32-3308] shall be operated over the public highways unless the owner or operator thereof within ten (10) calendar days or seven (7) business days as provided by law, whichever is greater, after the expiration of any such three-month period shall apply for and pay the required fee for a license for an additional three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said ten (10) calendar days or seven (7) business days as provided by law, whichever is greater, shall be guilty of a misdemeanor. In addition he shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five (5) days thereafter, no license for a full year has been purchased as required aforesaid, the Montana highway patrol, county sheriff or city police may impound such vehicle in such manner as may be directed for such cases by the supervisor of the Montana highway patrol until such requirement is met.

Failure to pay fees—penalty.

Approved: March 2, 1967.